

GUIDE TO THE DEVELOPMENT PROCESS



Community Development

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IMPORTANT TERMINOLOGY

CONDITIONAL USE PERMIT: The conditional use is distinguished from a permitted use by requiring individual standards, which are site specific.

CONFORMING USE: The development or use of a property that is currently zoned in a manner appropriate to the proposed development.

NON-CONFORMING USE: A use of property that at sometime in the past was legally established. Use of the property must have been continuous since its inception, but at some time, the zoning ordinance was amended and, subsequently, the use is no longer permitted.

PLAT: The map or plan of a piece of land in which land is described in lots and blocks. All undeveloped land must be subdivided prior to development.

VARIANCE: Variances may be used only for the revision of dimensional and parking standards. To obtain a variance the property must be able to demonstrate some physical hardship that is unique to the property, which makes a variance necessary. A variance cannot be used to change the allowed use of a property.

ZONING ORDINANCE AMENDMENT: Amendment to the existing zoning ordinance is ordinarily a tool of last resort. Rezoning of an area generally only occurs when the predominate activities fail to conform with the uses allowed in the zoning district and the objectives of the comprehensive land use plan.

DEVELOPMENT PROCESS FOR PROJECTS NOT REQUIRING ZONING ACTION

- NOTE:** Prior to any type of development (industrial, commercial or residential) all land must be platted. Please note information regarding platting contained in this handbook (page 9). Following is the procedure for developing property that does not require zoning action:
- STEP 1:** Consult the Director of Community Development to determine how the property you wish to develop is zoned and what zoning standards apply. Approval of development on appropriately zoned property could occur more quickly than development of property requiring rezoning, a conditional use permit, an ordinance amendment, or a variance.
- STEP 2:** If the proposed land use clearly conforms to the City's comprehensive plan and zoning requirements, a public hearing is not necessary. If necessary, the site plan will be reviewed by the Director of Community Development and the Site Plan Review Committee. The Site Plan Review Committee meets the second Tuesday of each month. Site plans should be submitted at least two weeks prior to the scheduled meeting date. A complete set of plans shall be submitted for review and approval. If your property DOES require zoning action, please see the section applicable to your request (variance, conditional use permit, zoning ordinance amendment, or plat).
- STEP 3:** The Traffic and Safety Committee will review the plan to determine possible traffic problems and safety issues. The Traffic and Safety Committee also review requests for curbcuts.
- STEP 4:** The Environmental Committee will review proposed projects in environmentally sensitive areas.
- STEP 5:** If all land use specifications have been met, application for a building permit may be made by contacting the Building Inspector.

DEVELOPMENT PROCESS FOR PROJECTS REQUIRING SPECIFIC ZONING ACTIONS

CONDITIONAL USE PERMIT

- STEP 1:** If it is determined by the Community Development Director that a conditional use permit is required to develop a property, the applicant must complete a conditional use permit application form and submit it along with a site plan to the Community Development Director. An application fee in the amount of \$335 must accompany the completed application form. The Community Development Director will notify affected property owners of the conditional use permit request. The applicant will be billed separately at a rate of \$2.00 per public hearing notice sent. This notification billing must be paid prior to the scheduled Planning Commission meeting. If the fee is not paid, no action will be taken by the City Council.
- STEP 2:** The developer(s) should develop a site plan to be submitted with the application. (Site plan requirements are detailed in Appendix A.) Proposals will be reviewed by the Site Plan Review Committee, which meets the second Tuesday of each month. Site plans should be submitted at least two weeks prior to the scheduled meeting date.
- STEP 3:** The request will be placed on the Mankato Planning Commission agenda. The Mankato Planning Commission meets on the fourth Wednesday of each month.
- STEP 4:** Planning staff will prepare a staff report for each request received. Staff reports will be provided to the Planning Commission and the applicant(s) prior to the Planning Commission meeting.
- STEP 5:** A public hearing will be held by the Planning Commission. The applicant will first present their request and the staff report will then be reviewed and considered. The Commission will review and consider anticipated traffic conditions, parking requirements, availability and effect on utility capacities, conformance to the comprehensive land use plan, compliance with all zoning requirements and effect on existing uses. The Commission will vote to recommend approval, denial, or tabling of each request. The Planning Commission will attach conditions to their recommendation of approval to ensure that a proposed use will be compatible with existing land uses.

The Planning Commission is an advisory board to the City Council. If the Planning Commission recommends approval of a request, it will automatically be forwarded to the City Council for final review. If the Planning Commission recommends denial of a request, the item will not automatically be forwarded to the Council; however, if the applicant desires their request to be reviewed by the Council, they may contact the City Clerk to request the item be placed on the agenda.

CONDITIONAL USE PERMIT (CONT'D)

- STEP 6:** The City Council reviews and considers the conditional use permit request, and may add, alter, or delete conditions of the permit as recommended by the Planning Commission. The City Clerk then records the Council's decision. Granting of the Conditional Use Permit will also be recorded on the deed to the property.
- STEP 7:** If the conditional use permit is approved by the City Council, the applicant may then make application for a building permit by contacting the Building Inspector.

VARIANCE

- STEP 1:** If determined by the Community Development Director that a variance will be necessary to proceed with a development, an application must be filed with the Community Development Director. A variance addresses only bulk, density and height standards. An application form does not address uses. The Community Development Director will publish a public hearing notice in the official newspaper (Free Press) and send public hearing notices to affected property owners, as required by law. A separate billing will be sent to the applicant at the rate of \$2.00 per notice sent to property owners. These notices must be sent and published at least ten (10) days before the first hearing. The notification billing must be paid prior to the public hearing.
- STEP 2:** The Community Development Director will hold an administrative hearing at which the variance request will be reviewed. Persons attending the public hearing may speak regarding the variance. From this hearing a report will be prepared for review by the City Council.
- STEP 3:** The variance request will proceed to the City Council for a public hearing. The City Council sits as the Board of Adjustments when hearing any variance request. At this hearing the variance will be approved or denied by the Council. The City Clerk will record the outcome of the hearing. Receipt of the variance will be recorded on the property deed and will remain with the property indefinitely.
- STEP 4:** If the variance is approved, the applicant may then make application for a building permit by contacting the Building Inspector.

ZONING ORDINANCE AMENDMENT (Rezoning)

STEP 1: If a request is made to amend the City Zoning Ordinance, the applicant must fill out an application form. A \$335.00 application fee must accompany the completed form. The Community Development Director will publish the request in the official newspaper as required by law.

STEP 2: The planning staff will prepare a staff report. Other City staff members may also contribute to this report which will be distributed to the Planning Commission and applicant(s) prior to the Planning Commission meeting.

STEP 3: Planning staff will present the staff report on the proposed zoning ordinance amendment at the Planning Commission meeting. The Planning Commission will recommend approval or denial of the ordinance amendment request to the City Council.

If approved by the Planning Commission, staff will automatically place the ordinance amendment request on the City Council agenda so that a date may be set for the ordinance hearing. If the Planning Commission recommends denial of the request, the item will NOT be automatically forwarded to the City Council; however, the applicant may contact the City Clerk to request the proposed ordinance amendment be placed on the City Council agenda for action by the Council.

STEP 4: The proposed ordinance amendment will be introduced at a City Council meeting and a public hearing date will be set. A notice of public hearing will again be published in the official newspaper (Free Press).

STEP 5: At a scheduled City Council meeting, the Council will hold a public hearing and review and consider the proposed zoning ordinance amendment. The Council will approve or deny the request. The City Clerk then records the Council's decision.

If approved by the Council, the ordinance amendment will become effective thirty (30) days after its passage and publication.

PLATS

NOTE: Land must be platted before development can begin.

STEP 1: The first step in the platting process is for the applicant/developer to develop a concept plan to be reviewed by the City Planning staff and City Engineer.

STEP 2: Next, application should be made and a preliminary plat submitted to the Planning staff. (See Appendix B for preliminary plat requirements.) An application fee (depending on the number of lots should be submitted with the completed application form. The fees are as follows:

Preliminary Plat - \$60 Base Fee + \$5 for each additional lot

The Community Development Director will send public hearing notices to affected property owners and will publish the request in the official newspaper as required by law. A separate billing will be sent to the applicant at a rate of \$2.00 per public hearing notice sent to property owners. This notification billing must be paid prior to the Council meeting.

STEP 3: The Site Plan Review and Traffic and Safety Committees will review the preliminary plat.

STEP 4: Planning staff will review the preliminary plat and prepare a staff report which will be distributed to the Planning Commission and applicant(s) prior to the Planning Commission meeting.

STEP 5: The Planning Commission will hold a public hearing and make a recommendation regarding the preliminary plat to the City Council. The Planning Commission may recommend approval, denial, or tabling of the preliminary plat. The Commission may also attach conditions to their recommendation of approval.

STEP 6: City Council members will review and make a decision regarding the preliminary plat request.

STEP 7: After the preliminary plat has been approved, the applicant will next prepare a final plat, which takes into consideration the conditions of preliminary approval by the Council. An application fee (depending on the number of lots should be submitted with the completed application form. The fees are as follows:

Final Plat - \$60 Base Fee + \$10/ea lot over 10

STEP 8: Following the submission of the final plat proposal, planning staff will present a report to the Planning Commission.

PLATS (CONT'D)

- STEP 9:** The Planning Commission reviews the final plat and makes a recommendation to the Council.
- STEP 10:** The Council makes a decision on the final plat.
- STEP 11:** The applicant will have hardshells prepared and submitted to the Community Development Director with the signatures of the property owners, the applicant's land surveyor, and the applicant's attorney.
- STEP 12:** The Community Development Director will obtain necessary signatures from City staff following the signing of the subdivision agreement and payment-in-lieu of park dedication fee, or actual parkland dedication, to the City for park purposes.
- STEP 13:** The signed hardshells are either returned to the applicant or submitted to the County for County recording. The County records the plat after the applicant has paid the necessary recording fees and state deed tax. Prior to recording the plat, property taxes for the current year in its entirety must be paid.

KEY TO CITY OF MANKATO ZONING DISTRICTS

R-A RESIDENTIAL-AGRICULTURE: The R-A zoning district is recognized as a district that is best-suited for the transition between urban

R-1 ONE FAMILY DWELLING: The purpose of this area is to provide an area of medium density residential use.

R-2 ONE & TWO FAMILY DWELLINGS: The purpose of these areas is to provide an area of medium density residential use.

R-3 LIMITED MULTIPLE DWELLINGS: These areas will provide an area of high-density residential use.

R-4 MULTIPLE DWELLING: This area will provide an area of very high-density residential use.

R-T RESIDENTIAL-TRANSITION: The R-T district is intended to provide an area of transition between residential and commercial or industrial uses. This district is intended to allow for orderly and efficient use of property and to encourage the upkeep and maintenance of such property.

OR-1 OFFICE RESIDENTIAL: These areas will provide a mix of office, institutional and residential uses.

CBD-1 CENTRAL BUSINESS DISTRICT: The CBD is intended to provide a pedestrian oriented high-density shopping and business area.

CBD-2 CENTRAL BUSINESS DISTRICT: This CBD is intended to provide a high-density shopping, business and service area that will strengthen and allow for the expansion of the city's central business area.

B-1 NEIGHBORHOOD BUSINESS: These areas are meant to provide convenient shopping for basic needs of persons living in adjacent areas.

B-2 COMMUNITY BUSINESS: These areas are meant to provide occasional and daily convenience shopping with a broad range of services and goods for nearby residential neighborhoods.

B-3 GENERAL BUSINESS: These areas are intended to provide a commercial district that will accommodate large volumes of traffic while complementing the central business district.

I-1 PLANNED INDUSTRIAL: This are is to provide exemplary standards of development for certain industrial uses located in choice or strategic sites that can become compatible with high quality commercial or residential area.

M-1 LIGHT INDUSTRIAL: The term light industrial is determined to consist of such uses as light manufacturing such as packaging and treatment of goods, storage, railroad lines and other similar uses.

M-2 HEAVY INDUSTRIAL: This area serves the purpose of providing for industrial development not suitable to other industrial districts.

NOTE: A complete description of these zoning districts can be obtained from the City of Mankato Planning and Zoning Department.

APPENDIX A

Checklist for Residential Site Plan

The site plan shall be to an engineer scale (i.e. 1 inch = 10 feet, 20 feet, 30 feet, 40 feet, etc.) and include the following documentation:

1. The location and dimension of all property lines and the total area of the site. The plan shall also depict the property corner pins. Property lines and corners pins shall be verified by a certified survey, prepared by a Minnesota licensed surveyor. An existing plat may be used as a certified survey provided all property corner pins are verified.

Property corner pins shall be visible at the time of the inspections. Building Inspectors shall confirm property corner pins and boundaries on site.

2. The location, dimensions, and total area of existing structures (houses, garages, decks, storage sheds, porches, etc.).
3. Front, Side, and Rear Yard Setback information for existing and proposed structures (Distance from the foundation of the structure to the front, rear, and side property lines).
4. The location, dimensions, floor area, type of construction, and use of each proposed addition, fence, building, or structure. New single-family dwelling site plans shall depict potential areas of future development such as additional garage space, decks, or porches.
5. The location and purpose of any existing or proposed easement (i.e. drainage, utility, parking, etc.).
6. The general drainage plan for the development tract.
7. Significant topographical or physical features of the site (i.e. trees, ravines, wetlands, etc.).
8. A Certificate of Survey signed by a Minnesota licensed surveyor will be required for setback requirement variances.

The City of Mankato does not provide surveying services. A Minnesota licensed surveyor shall sign all surveys. Registered land surveyors can be found in the yellow pages under “surveyors-land”.

Checklist Required for Site Plan Review

The site plan shall be to an engineer scale (i.e. 1 inch = 10 feet, 20 feet, 30 feet, 40 feet, etc.) and include the following documentation:

1. The location and dimension of all property lines and the total area of the site. The plan shall also depict the property corner pins. Property lines and corner pins shall be verified by a certified survey, prepared by a Minnesota licensed surveyor. An existing plat may be used as a certified survey provided all property corner pins are verified.
Property corner pins shall be visible at the time of inspections. Building Inspectors shall confirm property corner pins and boundaries on site.
2. Name and address or person responsible for preparation of the site plan.
3. Date, north point, and scale (1:20); if site is large 1:50 or 1:100.
4. Key map showing site location, existing structures, and uses within 100 feet of the subject property.
5. The location, dimensions, and total area of existing structures and parking areas (buildings, storage sheds, etc.).
6. The location, dimensions, floor area, type of construction, and use of each proposed addition, fence, building, loading dock, or structure.
7. Front, Side, and Rear Yard Setback information for existing and proposed structures (Distance from the foundation of the structure to the front, rear, and side property lines).
8. Building elevations (i.e. design, materials, colors, proposed signage, etc.)
9. Floor Plans
10. Signage Plan (Section 10.87)
11. Lighting Plan (Section 10.89)
12. Landscaping Plan (Section 10.88)
13. Existing and proposed utilities servicing the site.
14. The location and purpose of any existing or proposed easement (i.e. drainage, utility, parking, etc.).
15. The general drainage plan for the development tract.
16. Significant topographical or physical features of the site (i.e. trees, ravines, wetlands, etc.).
17. Location of nearest fire hydrant.
18. A Certificate of Survey signed by a Minnesota licensed surveyor will be required for setback requirement variances.

APPENDIX B

DATA REQUIRED FOR PRELIMINARY PLAT

Section 11.04 of the Mankato City Code requires that the following information be provided on the preliminary plat.

1. IDENTIFICATION AND DESCRIPTION:

- A. Proposed name of subdivision.
- B. Location by section, township and range, or by other legal description.
- C. Names and addresses of owner and subdivider having control over the land, and designer and the surveyor.
- D. Graphic scale of not less than one (1) inch to one-hundred (100) feet.
- E. North point designated as true north.
- F. Date of preparation.

2. EXISTING CONDITIONS:

- A. Boundary line survey, unless waived by the Planning Agency, including measured distance and angles, which shall not close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
- B. Total acreage in the preliminary plat and individual lots computed to one hundredth (.01) of an acre.
- C. Location and names of existing or platted streets or other public rights-of-way, parks or other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
- D. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the original plat, along with its original name, shall be indicated by dotted or dashed lines. Any revised or vacated roadways of the original plat should also be indicated.
- E. Location and size of existing paved streets, width of rights-of-way, railroads, sewers, water mains, quarries, gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, maintenance holes, and fire hydrants.

DATA REQUIRED FOR PRELIMINARY PLAT (CONT'D)

- F. Boundary lines of adjoining platted or unplatted land and owners of all tracts of land within one hundred- (100) feet.
- G. Complete topographic map with contour intervals not greater than two (2) feet, watercourses, marshes, rock outcrops and other significant features; all superimposed on at least two (2) prints of the preliminary plat. United States Geodetic Survey Datum shall be used for all topographic mapping. High water elevation and date thereof if part or all of plat joins a watercourse.
- H. A separate copy of restrictive covenants, if any, of all adjoining subdivisions.

3. DESIGN FEATURES:

- A. Layout of streets showing right-of-way widths and names.
- B. Locations and widths of alleys, pedestrian ways, and utility easements.
- C. Location, size, and approximate gradient of sewer lines.
- D. Location, size, and valving of water lines.
- E. Location and size of drainage facilities and general grading.
- F. Layout, lot and block numbers, and typical lot dimensions scaled to the nearest foot.
- G. Areas other than those mentioned above intended to be dedicated for public use, including size.
- H. A draft of proposed restrictive covenants, if any are contemplated.

